

Paul-Kenneth: Cromar.  
c/o Sheriff Ryan Arbon  
1400 Depot Drive  
Ogden, Utah 84404  
c/o 801-778-6700

FILED  
2023 OCT 16 AM 9:16  
CLERK  
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT  
COURT - DISTRICT OF UTAH - CENTRAL DIVISION

"PAUL KENNETH CROMAR"  
Defendant in error

v.

UNITED STATES OF AMERICA #1  
Plaintiff in error

MOTION FOR  
PROTECTIVE ORDER

Case # 2:23-cr-00159

Judge Howard C. Neilson

Comes now, Paul-Kenneth: House of Cromar, a son  
of God, a living man on the land,<sup>2</sup> defendant in error,  
do hereby respectfully move this court to inform and  
order the Weber County Sheriff Ryan Arbon to promote  
and insure due process of law and immediate access  
to the court for the above named Defendant for the  
reasons and in the manner described hereafter.

The Defendant, in the Motion for Continuance dated  
October 6, 2023 (see Docket #29 - Oct. 10, 2023) lists four key reasons

#1 - Please reference all footnotes provided in "Notice of Appearance  
and Assistants of Counsel from Docket entry #27 of Sept. 27, 2023.

#2 - See the land at the Defendant's permanent address under the  
the signature with its metes and bounds under Land Patent #392,  
in Docket #27 "Motion to Compel"

for the requested delay of the November 7, 2023 scheduled trial, to 27 days later on December 4, 2023. This Motion For Protective Order is required for the following summarized reasons:

- 1.) The Discovery promised in open court to be served on Defendant by Sept. 19, 2023 has not been provided, as of today Oct. 13; adding 7 more day to the delay.
- 2.) Defendant's LEGAL MAIL and PRIVATE phone call designation for five named Assistants of Counsel - Wendy heatham, Raland Brunson, Paul Tozzi, Dan Bailey, and Andrew Johnson has been denied at Jail by Sgt. Stewart.
- 3.) The Weber County Jail has officially denied access to its "Law Library".
- 4.) Defendant's "Inmate Grievance Form" of August 20<sup>th</sup> had not been responded to by the Weber County Jail as of the Oct 6<sup>th</sup> filing of the Motion For Continuance, though a formal "STAFF RESPONSE" was delivered yesterday October 12, 2023 at 9:30 am, by Deputy Fraiser as follows:

"Your complaint has been investigated. The sixth amendment is the amendment to the constitution that provides the right to "Assistance of Counsel." The term counsel when referring to criminal and civil cases has become synonymous with lawyer as it is meant to be legal counsel. The individuals you provided were not able to provide information suggesting they are lawyers. The mail that arrived to you did not



come from an attorney's office. The sixth amendment does not state you will have access to write on a computer, have internet, wifi, printing, or fax. The law library is available on the tablets as well as the visiting monitors.

"Your complaint is Unfounded.

"Cpl. D. Goodell

"Inmate Grievance Officer "

(see Exhibit A - Staff Response to Grievance Sept, 2023.

Examples of the Jail denying delivery of LEGAL MAIL includes, but is not limited to three separate in person deliveries to Weber County Jail front office by Assistant of Counsel Roland Brunson on October 6<sup>th</sup>, 7<sup>th</sup> and 9<sup>th</sup>, the denial of delivery which denied by Deputy Fraiser on October 10<sup>th</sup> at Defendant's cell door during a lockdown at 10:06 am. Additionally, on or around September 12, 2023, "LEGAL MAIL" sent by Talmage Cromar via Certified USPS Mail (prior to filing of Defendant's Notice of Appearance).

The Defendant's October 6, 2023 Motion for Continuance was met favorably by counsel for Plaintiff in UNITED STATES RESPONSE TO DEFENDANTS MOTION TO CONTINUE TRIAL (see Docket #31 - October 10, 2023) where in it reads:

"The failure to grant the Defendant's requested Continuance would likely result in a miscarriage of justice. 18 USC sec 3161(h)(7)(B)(i). Due to delays and complications in producing discovery to Defendant,

who is detained and proceeding pro se, through no fault of the government Defendant has not received all of the governments discovery, ... Failing to grant the requested continuance would force Defendant to proceed to trial without a fair opportunity to evaluate the governments (sic) evidence against him and effectively prepare a defense, which would likely result in a miscarriage of justice."

Therefore, Defendant (in error) Paul-Kenneth Cromar respectfully moves the court to ORDER the Weber County Jail to facilitate due process of law and access to the court by treating the Defendant's aforementioned five Assistants of Counsel as they would regular BAR attorneys, by providing immediate delivery of all Legal Mail + "Special Mail" whether mailed via USPS or hand delivered, and securing Private Call status for same five Assistants of Counsel, and facilitating Defendant's daily access to the Law Library and Defendant's Constitutionally protected "papers, and effects" (Fourth Amendment) on personal computer, fax, wifi, email (as requested by Plaintiff), so as to provide access to same tools of the BAR attorney trade the Prosecutors are using to make their case against the Defendant before a trial by a jury of his peers, likely to be on or around December 4, pending possibility of additional days (now 7 days since "Continuance" filing without tablet) despite Defendant's October 10<sup>th</sup> voice message to Mark Woolf alerting him that Tablet had not yet been received,



A proposed ORDER for consideration by the court is provided separate filing.

Respectfully submitted in Honor, on this 13<sup>th</sup> day of the tenth month in the year of our Lord anno domini 2023, true + correct under penalty of perjury.

by: Paul-Kenneth Cromar

Paul-Kenneth Cromar,  
NOTICE: as from the initial  
filing by Defendant in error,  
all mailings/service goes to  
Weber County Jail address on  
front page, though the perma-  
nent Cromar address remains c/o  
9870 N. Meadow Dr./Cedar Hills,  
Utah [84062] as per the notes  
and bonds thereof, under LAND  
PATENT #392.

STATE OF UTAH - WEBER COUNTY  
NOTARY JURAT

The foregoing instrument was acknowledged before me  
this \_\_\_\_ day of October 2023 by \_\_\_\_\_

Notary: My commission expires \_\_\_\_\_.

↑  
Jail Notary  
Cpl. P. Anderson  
left office early today  
forgetting to Notarize this  
with me.

## CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of October, 2023 I personally placed in the United States Mail to the individuals named below a true and correct copy of **MOTION FOR PROTECTIVE ORDER**.

TRINA A. HIGGINS

MARK WOOLF

PETER J. ANTHONY

Attorneys of the United States of America

111 South Main Street, Suite 1800

Salt Lake City, Utah 84111

  

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Raland Brunson

# EXHIBIT A

SEP 25 2023

23.660.101900

## INMATE GRIEVANCE FORM

PHOTO COPY  
REQUESTED  
PLEASE.

Level-1

INMATE'S NAME: Paul Cromar ID NUMBER 655950 HOUSING F-603

## SECTION 1 - INFORMAL ACTION To be completed by inmate:

Constitutional Right of "Assistance of Counsel", phone Privacy, LEGAL MAIL, & Law Library DENIED

Specific nature of grievance (who, what, when, where and how):

At approximately 12:01 midday Sept 19, 2023, Sgt Stewart (officer in charge of Inmate legal services at Weber Co Jail) informed me that the 4 names Bailey, Johnson, Tozzi, Brunson phone numbers would not be "private" as per my request because he had called the numbers and, "They are not licensed attorneys," I explained that, "My Constitutionally protected right to 'assistance of counsel' is of my choice, and the Constitution says nothing about BAR attorneys or licences." Regardless, he said my request was denied, as was the Certified letter from my son he held in his hand stamped LEGAL MAIL for same reason. I then asked about access to Jail Law Library as per written request.

Identify those contacted regarding your grievance and state what you HAVE DONE to resolve the issue:

later same day (45-min later) I notified Command of "Request to meet with Sgt Stewart again and to NOT return my LEGAL MAIL to sender yet." At approximately 3:32 pm Sgt Stewart called me out to take me to Jail Law Library (100 ft down hall). While walking there I explained I thought he might be reasonable, and to avoid filing a Grievance, I requested that we open the Certified Legal Mail together as had been done previously with Deputy Fraiser, to inspect for contraband & drugs, so I can review, sign and file my first doc with Court "Notice of Appearance - with listed Assistants of Counsel". Angered, Sgt Stewart said, "We're done," and without being allowed inspection of Library was escorted back to cell block, and handed this FORM. Full exchange only 4-5 mins, and ended at exactly 3:37 pm.

What is the specific remedy you seek?:

The Remedy I must respectfully DEMAND is immediate and complete access to all elements of Constitutionally guaranteed "Assistance of Counsel" which includes unfettered access to LEGAL MAIL, Private calls, complete Law Library as described by Supreme Court, ability for daily review, research, writing on computer, internet, wifi, printing, and fax, etc., as is available to the Prosecution team working to convict me of "crimes" I did not commit, -also, including but not limited to, my ability to file my docs with the Court, and access to my "papers and affects" = personal electronic files containing my previous 18 court cases and evidence related to this case. The Weber County Jail is interfering with my access to the Court and legal documents + research provided by Assistants to Counsel and friends,

Respectfully,  
And In Honor,

/s/ PAUL KENNETH CROMAR  
INMATE'S SIGNATURE all rights reserved

Sept. 20, 2023  
DATE 8:23 a.m.

#END#



STAFF RESPONSE

Name Paul Cromar  
Grievance # 23.660.101900

Inmate# 655950

Housing F603

Date 10/5/2023

Grievance Type: Legal Complaint

Your complaint is you are being denied the constitutional right of "Assistance of Counsel" by staff not allowing you to add individuals you have requested to be free and unrecorded calls, by not allowing you to received "legal privileged" mail from non-lawyer entities, and denying your ability to use the law library. You state you respectfully demand immediate and complete access to all elements of constitutionally guaranteed "Assistance of Counsel," which included unfettered access to legal mail, private calls, complete law library, ability for daily review research, writing on computer, internet, wifi, printing, and fax.

Your complaint has been investigated. The sixth amendment is the amendment to the constitution that provides the right to "Assistance of Counsel." The term counsel when referring to criminal and civil cases has become synonymous with lawyer as it is meant to be legal counsel. The individuals you provided were not able to provide information suggesting they are lawyers. The mail that arrived to you did not come from an attorney's office. The sixth amendment does not state you will have access to write on a computer, have internet, wifi, printing, or fax. The law library is available on the tablets as well as the visiting monitors.

Your complaint is Unfounded

Cpl. D. Goodell  
Inmate Grievance Officer